# Class 705 Template Review

Serial No: 10/092361

Art Unit: 3629

Date Returned to SPE: 5/14/04

Date Reviewed: 5/14/04

SPE Initials If Agree    Reviewer Comment

### 1. Reasons for Allowance:
    Clear statement of Reasons for Allowance
    Indicate how claims distinguish over the closest prior art
    Claim groups of differing scope having a separate RFA

Comments:

SEE ATTACHED

### 2. Search Areas and Tools:
    US Classified Search
    US Patents Text Search - EAST/WEST and/or STN USPATFULL
    Foreign Patent Documents – WEST/Derwent WPI and/or Epoque II
    NPL Search – PTO NPL, Dialog, STN, etc.
    Internet Sites – (optional)

Comments:

### 3. Search Query:
    Text Search – Strategy to search concepts/key words
    Separate strategies for each search area (US, Foreign, NPL)
    Recordation of Search in file wrapper with annotation

Comments: SEE ATTACHED

### 4. Reference Citations:
    Best art in each category (US, Foreign, NPL) listed on 892 or 1449
    Clear indication of why the reference was cited

Comments:

### 5. Other Problems:
    Sensitive Application Warning system issues
    Broad claims
    35 USC 101 Issues, including "not in the technological arts".

Comments: SEE ATTACHED

MISC - SEE ATTACHED

***Please Complete and Return This Sheet To The QAS Box After Disposition***

Must be within *2 weeks* of receiving QAS comments

Disposition Date: _____

Disposition:      Reopened
(circle one)   ⇨   Sent to Pubs
          Other   Explain: _____

SN 10/092,361
John, Ed,

1) Reasons For Allowance:

The reasons for allowance mention that the art doesn't teach "clustering stores by determining the optimal group of subsets of the individual stores". This language is not explicitly in the claims. The clustering recited is not explicitly recited in the body of the claim as being a cluster of stores nor rely on the preamble for antecedent basis for the clusters and the clustering recited does not necessarily produce the optimum group of subsets. Note that the clustering is performed based on the relative term "closeness" which does not guarantee "optimal" subsets.

3) Search Query:

The search queries have some good ideas and good synonyms but need to hit the clustering concept better. Applicant admits in the prior art to clustering stores using "price zones" which would make a good search term. I also came across something about price optimization that talked about "non-geographic performance clusters". In other words , grouping stores that perform similarly for pricing, which sounds promising. See the attached article (pages 5-6), the date's no good but it mentions a product "ProfitLogic" which should be looked into to determine how the clusters are formed, and determine what other products are out there on pricing with zones or clusters for price optimization.

5) Other Problems:

Re. 101, claims 1 and 15 are not in the technological arts. There is also a question of practical application.. Due to the breadth of the claims, no indication is given as to what the "combinations" are combinations of, or what the "clusters" are clusters of or what they are used for. As a result it does not appear that the method produces a useful result.

Miscellaneous:

Please consider the IDSs of 3/23/04, 10/2/03 and 2/19/04. There's some interesting NPL in there.

Any questions, please stop by.

Bob Weinhardt
CPK5  7A13
5/17/04